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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/915,894      | 07/25/2001  | Sachin G. Deshpande  | SLA 1074            | 9084             |

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| EXAMINER |
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OSMAN, RAMY M

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| ART UNIT | PAPER NUMBER |
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2157

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/915,894 | <b>Applicant(s)</b><br>DESHPANDE ET AL. |  |
|                              | <b>Examiner</b><br>Ramy M. Osman     | <b>Art Unit</b><br>2157                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Status of Claims*

1. This communication is responsive to the amendment filed on December 27, 2004.

Claims 1-23 are pending. The rejections cited are as stated below.

### *Specification*

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it is too short and not sufficiently descriptive. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1 and 13 recites the limitation "said client" in line 6. There is insufficient antecedent basis for this limitation in the claims.

Art Unit: 2157

6. Claims 1 and 13 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant failed to properly address the 112 second paragraph issues that were raised in the office mailed 10/4/2004. For example, claim 1 line 6 states 'selecting a customization of said image file through a client interface on said client'. However, this cannot occur because the image file was never sent to the client in the first place. Rather, 'a representative part of said image file' is what was sent to the client. Therefore if the client will make any sort of selection, then it would have to be from the 'representative part of said image file' and not from the 'image file'. Applicant must correct this inconsistency.

7. Claim 20 rejected under 35 U.S.C. 112, second paragraph, as being indefinite. On line 11 it is unclear why 'said image data' is sent to the client and not the 'customized version'.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. **Claims 1,2,3,7,8,9,12 and 20-23 rejected under 35 U.S.C. 102(e) as being anticipated by Sivan et al (US Patent No 6,281,874).**

Art Unit: 2157

10. In reference to claim 1, Sivan teaches a method for image transmission (Abstract), said method comprising the acts of:

hosting an image file on a server (column 2 lines 45-50, column 4 lines 17-30 and column 7 lines 20-60);

parsing said image file on said server to determine a representative part of said image (column 4 lines 23-35, column 7 lines 63-67 and column 8 lines 15-20);

transmitting said representative part of said image file to said client (column 2 lines 50-56 and column 4 lines 33-35);

selecting a customization of said image through a client interface on said client (column 3 lines 34-55 and column 4 lines 40-55);

transmitting said customization information from said client to said server (column 2 lines 55-60);

parsing said image file on said server to determine image data associated with said customization (column 3 lines 42-55 and column 7 line 23 – column 8 line 13); and

transmitting said image data associated with said customization to said client (column 2 lines 60-67, column 8 lines 10-13 and figure 1).

11. In reference to claim 2, Sivan teaches the method of claim 1 wherein said representative part of said image file is a low-resolution version of said image. (column 4 lines 23-35)

12. In reference to claim 3, Sivan teaches the method of claim 1 wherein said client interface prompts a user for image customization data. (column 3 lines 30-40 and column 6 line 60 – column 7 line 15)

Art Unit: 2157

13. In reference to claim 7, Sivan teaches the method of claim 1 wherein said transmitting uses an HTTP transmission protocol. (column 6 lines 50-67 and column 7 lines 20-25)

14. In reference to claim 8, Sivan teaches the method of claim 1 wherein said selecting a customization of said image comprises selecting an image resolution below the maximum resolution available for said image. (column 4 lines 32-65 and column 5 lines 1-35)

15. In reference to claim 9, Sivan teaches the method of claim 1 wherein said transmitting said customization data comprises streaming said customization of said image to said client (column 4 lines 17-35 and column 6 lines 50-67).

16. In reference to claim 12, Sivan teaches the method of claim 1 wherein said client caches data received from said server. (Summary, column 4 lines 20-45 and figures 1&4) It is inherent that the client would store the data received from the server.

17. In reference to claims 20-23, Sivan teaches an apparatus, image server, computer-readable medium and computer data signal for interactive customized image transmission, said apparatus comprising:

a server having an image file stored thereon (column 2 lines 45-50, column 4 lines 17-30 and column 7 lines 20-60);

a parser on said server for parsing said image file and determining what image file data is required to communicate various customized versions of said image file (column 3 lines 42-55 and column 7 line 23 – column 8 line 15 and figure 1);

a client having a client image interface (column 3 lines 34-55 and column 4 lines 40-55, figure 1 and figures 3a-3d);

wherein said client image interface enables a user to request a customized version of said image file and said parser on said server has the ability to determine what image data is required to communicate said customized version and transmit said image data to said client (Summary, column 3 lines 34-55, column 4 lines 40-55, column 7 line 20 – column 8 line 25).

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. **Claims 4 and 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Sivan et al (US Patent No 6,281,874) in view of Li, J. et al (ISO/IEC JTC1/SC29/WG1 N1473, February 1999).**

Sivan teaches the method of claim 1. Sivan fails to explicitly teach wherein said selecting a customization comprises selecting data from the group consisting of quality data, scalability data, resolution data and region-of-interest (ROI) data; wherein said image file is a JPEG 2000 file; and wherein said transmitting said customization data comprises streaming said customization of said image to said client. However, Li, J teaches streaming image file JPEG2000 over a network, where a user may select data within the image which includes resolution and ROI data for customized image viewing over a network (page 1, all; and page 2, first paragraph).

It would have been obvious for one of ordinary skill in the art to modify Sivan by streaming image file JPEG2000 over a network, where a user may select data within the image which includes resolution and ROI data as per the teachings of Li, J for customized image viewing over a network.

**20. Claims 5,13 and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Sivan et al (US Patent No 6,281,874) in view of Duhault et al (US Patent No 5,900,868).**

21. In reference to claims 5 and 13, Sivan teaches the method of claim 1 above. Sivan fails to explicitly teach wherein said selecting a customization comprises displaying a thumbnail image to a user and allowing a user to select customization characteristics by interaction with said thumbnail image. However, Duhault teaches displaying a thumbnail image to a user and allowing a user to select customization characteristics by interaction with said thumbnail image (Abstract, column 2 lines 10-35, column 5 lines 1-45 and column 6 lines 40-57).

It would have been obvious for one of ordinary skill in the art to modify Sivan by displaying a thumbnail image to a user and allowing a user to select customization characteristics by interaction with said thumbnail image as per the teachings of Duhault for the purpose customizing images.

22. In reference to claim 15, Sivan teaches the method of claim 13 wherein said selecting a customization of said image comprises selecting an image resolution below the maximum resolution available for said image. (column 2 lines 40-67, column 3 lines 15-55, column 4 lines 32-45 and figure 1)



Art Unit: 2157

23. In reference to claim 16, Sivan teaches the method of claim 13 wherein said selecting a customized version of said image comprises selecting quality scalability (column 2 lines 40-67, column 3 lines 15-55, column 4 lines 32-45 and figure 1)

24. In reference to claim 19, Sivan teaches the method of claim 13 wherein said transmitting uses an HTTP transmission protocol. (column 6 lines 50-67 and column 7 lines 20-25)

**25. Claims 10 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Sivan et al (US Patent No 6,281,874) in view of Li, C et al (US Patent No 6,345,279).**

26. In reference to claim 10, Sivan teaches the method of claim 1. Sivan fails to explicitly teach wherein the size of said representative part is relative to the bandwidth of the connection between said server and said client interface. However, Li, C teaches a content adaptation process by using a client profile which includes the network bandwidth connection between the client and server for the purpose of customizing a multimedia file for a client (column 5 line 65 – column 6 line 49).

It would have been obvious for one of ordinary skill in the art to modify Sivan by making the size of said representative part is relative to the bandwidth of the connection between said server and said client interface as per the teachings of Li, C for the purpose of customizing a multimedia file for a client.

27. In reference to claim 11, Sivan teaches the method of claim 1. Sivan fails to explicitly teach wherein said representative part comprises metadata comprising data selected from the group consisting of image quality data, scalability data, resolution data and ROI data. However,

Art Unit: 2157

Li, C teaches multimedia data items with representations containing metadata for multimedia customization to be delivered to a client (column 1 lines 15-35 and column 4 line 57 – column 5 line 47).

It would have been obvious for one of ordinary skill in the art to modify Sivan by making the representative part comprise metadata comprising data selected from the group consisting of image quality data, scalability data, resolution data and ROI data as per the teachings of Li, C for multimedia customization to be delivered to a client.

**28. Claims 17 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Sivan et al (US Patent No 6,281,874) in view of Duhault et al (US Patent No 5,900,868) in further view of Li, J. et al (ISO/IEC JTC1/SC29/WG1 N1473, February 1999).**

Sivan teaches the method of claim 13. Sivan fails to explicitly teach wherein said selecting a customization of said image comprises selecting a region of interest on said image; and wherein said image file is a JPEG 2000 image file. However, Li, J teaches streaming image file JPEG2000 over a network, where a user may select data within the image which includes resolution and ROI data for customized image viewing over a network (page 1, all; and page 2, first paragraph).

It would have been obvious for one of ordinary skill in the art to modify Sivan by streaming image file JPEG2000 over a network, where a user may select data within the image which includes resolution and ROI data as per the teachings of Li, J for customized image viewing over a network.

***Response to Amendment***

29. Examiner acknowledges amendments filed 12/27/2004 where applicant amended claims 1,13 and 20, and cancelled claim 14.

***Response to Arguments***

30. Applicant's arguments filed 12/27/2004 have been fully considered but they are not persuasive.

31. Applicant argues that Sivan does not teach parsing of the image file to obtain a customized image of any type. The limitation of claim 1 particularly states: 'parsing said image file on said server to determine a representative part of said image'.

However, the word 'parsing' is a broad limitation and is therefore broadly interpreted. The American Heritage Dictionary (Fourth Edition) defines parsing under definition 3a, as "to examine closely or subject to detailed analysis" and also under definition 4, as "*Computer Science*, to analyze or separate into more easily processed components". Therefore, in the context of the above mentioned limitation, parsing an image file is interpreted to simply mean to analyze or to separate the image into components. It is further interpreted that 'parsing an image to determine a representative part', simply means making the image into a more easily processed component. This is taught by Sivan by compressing a low-resolution image file, which is a representative part of a high-resolution image file, so that it can be sent to a client (column 4 lines 23-35, column 7 lines 63-67 and column 8 lines 15-20).

Art Unit: 2157

32. Applicant argues that 'Embodiments of the present invention build upon the primary low resolution image by adding higher resolution data to the primary image that has been parsed from a single high-resolution file'.

However, nowhere in the claims are these features stated. Rather the claims are broad and are thus broadly interpreted. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

33. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

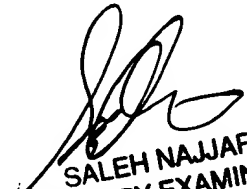
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

Art Unit: 2157

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO  
April 16, 2005



SALEH NAJJAR  
PRIMARY EXAMINER